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Raised Bill No. 415 – *An Act Prohibiting the use of Accelerated Rehabilitation*  
*in the Case of Animal Abuse*  
Judiciary Public Hearing – March 21, 2016

The Connecticut Criminal Defense Lawyers Associations is a not-for-profit organization of more than three hundred lawyers who are dedicated to defending persons accused of criminal offenses. Founded in 1988, CCDLA is the only statewide criminal defense lawyers' organization in Connecticut. An affiliate of the National Association of Criminal Defense Lawyers, CCDLA works to improve the criminal justice system by insuring that the individual rights guaranteed by the Connecticut and United States constitutions are applied fairly and equally and that those rights are not diminished.

CCDLA opposes Raised Bill 415, *An Act Prohibiting the use of Accelerated Rehabilitation in the Case of Animal Abuse*. The proposed legislation unnecessarily takes discretion away from Superior Court judges by statutorily exempting people charged with a violation of Connecticut General Statutes § 53-247 from eligibility for Accelerated Rehabilitation. This pretrial diversionary program requires the Court to make a finding that (1) the crime charged is not of a serious enough nature to preclude the granting of the program and (2) that the offender is not likely to offend again in the future. This requires the Court to make a determination based on the specifics of the crime charged as well as the circumstances of the individual before the Court. It appropriately vests a great deal of discretion to the Judge to consider the case before him or her. It is completely unnecessary to take this discretion away from our State's Superior Court judges.

If the facts of a particular case are so egregious that the Accelerated Rehabilitation Program is not appropriate, then surely the State's Attorney prosecuting the matter will strenuously object to the application and the Judge hearing the case will use their sound judgment to deny an application for the program if they deem it appropriate. There is no need to simply take this discretion away from the Court simply because a case involves cruelty to an animal.

Additionally, it is troubling that the legislature would see fit to automatically exempt from consideration for this program anyone who has been accused of cruelty to an animal but would still allow the use of the program for crimes that are potentially more serious and involve cruelty to an actual human being. Under current law, there are many more serious crimes, such as many class C felonies and, under certain circumstances, Larceny in the First Degree, a class B felony, which are not exempt. The proposed legislation seems to place animals in some sort of protected class in need of greater protections than the general public. This simply is not logical. The answer is not to make the list of crimes for which this program is not an option, but to continue to allow judges to make the appropriate determination on a case by case basis.

Although this legislation would satisfy many animal rights activists and may be an easy measure to support politically, it is not an appropriate restraint to be placed on our State's Superior Court judges. The legislature must consider the function of Superior Court judges and allow them to exercise appropriate discretion. This is the job that has been entrusted to them and they must be allowed to do it.

For these reasons CCDLA opposes Raised Bill 415 and respectfully requests the Committee not take action on this bill.